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TJS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. ROSE, Clerk
U.S. District Court
for the Eastern District of Pennsylvania

WILLISCH, et al.

Plaintiffs,

v.

NATIONWIDE INSURANCE CO. OF
AMERICA,

Defendant.

KOLESAR, et al.

Plaintiffs,

v.

ENCOMPASS INDEMNITY CO.

Defendant.

MECADON,

Plaintiff,

v.

ALLSTATE INDEMNITY CO.,

Defendant.

RONALD and KIM BUCARI, et al.

Plaintiffs,

v.

ALLSTATE PROPERTY AND
CASUALTY INSURANCE COMPANY,

Defendant.

WARRICK,

Plaintiff,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

Civil Action No. 09-5276-TJS

Judge Timothy J. Savage

Civil Action No. 09-5510-TJS

Judge Timothy J. Savage

Civil Action No. 09-5511-TJS

Judge Timothy J. Savage

Civil Action No. 09-5512-TJS - File

Judge Timothy J. Savage

Civil Action No. 09-6077-TJS

Judge Timothy J. Savage

BESECKER, et al.,)	
)	
Plaintiffs,)	
)	
v.	)	Civil Action No. 09-5513-TJS
)	
PEERLESS INDEMNITY INSURANCE CO.,	)	Judge Timothy J. Savage
)	
Defendant.)	
BALDONI,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 09-5514-TJS (41)
)	
STATE FARM MUTUAL AUTOMOBILE)	
INSURANCE CO.,	)	Judge Timothy J. Savage
)	
Defendant.)	
LOWE-FENICK,)	
)	
Plaintiffs,)	
)	
v.	)	Civil Action No. 09-5515-TJS (53)
)	
PROGRESSIVE SPECIALTY)	
INSURANCE CO.,	)	Judge Timothy J. Savage
)	
Defendant.)	

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
WITH RESPECT TO COUNTS I AND II OF THE COMPLAINT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiffs move for summary judgment on Counts I and II of the Complaint as to Defendant's liability.

The facts and law in support of the motion are set forth fully in the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Summary Judgment and Class Certification and Motion for Class Certification and Appendix thereto.

DATE: June 30, 2010

TRUJILLO RODRIGUEZ & RICHARDS, LLC

By: 

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLISCH, et al.)	
)	
Plaintiffs,)	
)	
v.	)	Civil Action No. 09-5276-TJS
)	
NATIONWIDE INSURANCE CO. OF AMERICA,)	
	)	Judge Timothy J. Savage
)	
Defendant.)	
<hr/> KOLESAR, et al.)	
)	
Plaintiffs,)	
)	
v.	)	Civil Action No. 09-5510-TJS
)	
ENCOMPASS INDEMNITY CO.	)	Judge Timothy J. Savage
)	
Defendant.)	
<hr/> MECADON,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 09-5511-TJS
)	
ALLSTATE INDEMNITY CO.,	)	Judge Timothy J. Savage
)	
Defendant.)	
<hr/> RONALD and KIM BUCARI, et al.)	
)	
Plaintiffs,)	
)	
v.	)	Civil Action No. 09-5512-TJS
)	
ALLSTATE PROPERTY AND CASUALTY INSURANCE COMPANY,	)	Judge Timothy J. Savage
)	
Defendant.)	
<hr/> WARRICK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 09-6077-TJS
)	
ALLSTATE INSURANCE COMPANY,)	Judge Timothy J. Savage
)	
Defendant.)	
<hr/>)	

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BESECKER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 09-5513-TJS
)	
PEERLESS INDEMNITY INSURANCE CO.,)	Judge Timothy J. Savage
)	
Defendant.)	
BALDONI,)	
)	
Plaintiff,)	
)	
v.	)	Civil Action No. 09-5514-TJS
)	
STATE FARM MUTUAL AUTOMOBILE	)	Judge Timothy J. Savage
INSURANCE CO.,)	
)	
Defendant.)	
LOWE-FENICK,)	
)	
Plaintiffs,)	
)	
v.	)	Civil Action No. 09-5515-TJS
)	
PROGRESSIVE SPECIALTY	)	Judge Timothy J. Savage
INSURANCE CO.,)	
)	
Defendant.)	

[PROPOSED] ORDER

AND NOW this _____ day of _____, 2010, upon consideration of Plaintiffs' Motion for Summary Judgment with respect to Counts I and II of the Complaint, it is

HEREBY ORDERED that Plaintiff's Motion is GRANTED. It is FURTHER

ORDERED that pursuant to Rule 56 of the Federal Rules of Civil Procedure Summary judgment auto liability shall be entered against Defendant and for Plaintiffs (and the

Class Certificate) by this Court's Order dated _____, 2010 with respect to Counts I
and II of the Complaint

BY THE COURT

Hon. Timothy J. Savage, U.S.D.J.